

**Introduced by Senator Monteith**

February 21, 2002

---

An act to amend Sections 21000, 21001, 21002, 21002.1, 21003, 21060.3, and 21060.5 of, and to add Sections 21003.5 and 21100.5 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1681, as introduced, Monteith. Environmental quality: homeownership, employment, and education.

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law declares the policy of the state to develop and maintain a high-quality environment now and in the future.

This bill would revise this policy to include the development and maintenance of a high-quality environment through homeownership, employment, transportation, security, and educational opportunities now and in the future. The bill would state the finding and declaration of the Legislature that every person has a right to homeownership, employment, transportation, security and educational opportunities. The bill would revise other policies of CEQA to require consideration of the effects of a proposed project on homeownership, employment, transportation, security, and educational opportunities, in determining whether a proposed project may have a significant effect on the environment, and to require governmental agencies to consider the rapidly increasing population of California, and benefits and

alternatives to proposed actions affecting homeownership, employment, transportation, security, and educational opportunities for future generations.

This bill would declare the policy of the state to require persons and public agencies involved in the environmental review process to seek input from local communities that may be affected by proposed projects, and for public agencies to give priority and expedited processing to proposed projects for universities and other educational institutions. The bill would make related changes.

Existing law provides an exemption to the requirements of CEQA for emergency repairs to public service facilities, projects related to a declared state of emergency, as provided, and specific actions necessary to prevent or mitigate an emergency. Existing law defines “emergency” to mean a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

This bill would expand the definition of “emergency” provided in CEQA to include circumstances involving unusually high unemployment rates, unusually high drop-out rates at high schools in the relevant jurisdiction, or extreme poverty levels among local residents in the relevant jurisdiction.

Existing law defines “environment,” for purposes of CEQA, to mean the physical conditions that exist within the area that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance.

This bill would revise the definition of “environment” provided in CEQA to include indigenous populations, local communities, man-made construction, parks, schools, and homes. This bill would also require an environmental impact report to contain a section entitled “human impact” that includes prescribed information.

By increasing the duties of local lead agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21000 of the Public Resources Code is  
2 amended to read:  
3 21000. The Legislature finds and declares as follows:  
4 (a) The maintenance of a quality environment, *with decent*  
5 *housing, employment, transportation, security and educational*  
6 *opportunities*, for the people of this state now and in the future is  
7 a matter of statewide concern.  
8 (b) It is necessary to provide a high-quality environment that at  
9 all times is healthful and pleasing to the senses and intellect of ~~man~~  
10 *people*.  
11 (c) There is a need to understand the relationship between the  
12 maintenance of high-quality ecological systems and the general  
13 welfare of the people of the state, including their enjoyment of the  
14 natural resources of the state, *and the opportunity to own a home,*  
15 *have decent employment, transportation and security and receive*  
16 *a decent education*.  
17 (d) The capacity of the environment is limited, and it is the  
18 intent of the Legislature that the government of the state take  
19 immediate steps to identify any critical thresholds for the health  
20 and safety of the people of the state and take all coordinated actions  
21 necessary to prevent ~~such~~ *those* thresholds being reached.  
22 (e) *Homeownership, employment, transportation, security and*  
23 *educational opportunities have become limited in many areas of*  
24 *the state, and it is the intent of the Legislature that the government*  
25 *of the state take immediate steps to identify any critical thresholds*  
26 *to provide the people of the state with these opportunities and take*  
27 *all coordinated actions necessary to achieve a high quality of*  
28 *living*.  
29 (f) Every ~~citizen~~ *person* has a responsibility to contribute to the  
30 preservation and enhancement of the environment.  
31 (f)

1 (g) Every person has a right to homeownership, decent  
2 employment, and decent education.

3 (h) Every person has a right to adequate Transportation.

4 (i) Every person has a right to be secure.

5 (j) The interrelationship of policies and practices in the  
6 management of natural resources and waste disposal requires  
7 systematic and concerted efforts by public and private interests to  
8 enhance environmental quality and to control environmental  
9 pollution.

10 ~~(g)~~

11 (k) It is the intent of the Legislature that all agencies of the state  
12 government ~~which~~ that regulate activities of private individuals,  
13 corporations, and public agencies ~~which~~ that are found to affect the  
14 quality of the environment, *including homeownership,*  
15 *employment, transportation, security, and education,* shall  
16 regulate ~~such~~ those activities so that major consideration is given  
17 to preventing environmental damage, while providing a decent  
18 home, *education, transportation, security,* and satisfying living  
19 environment for every Californian.

20 SEC. 2. Section 21001 of the Public Resources Code is  
21 amended to read:

22 21001. The Legislature further finds and declares that it is the  
23 policy of the state to *do all of the following*:

24 (a) Develop and maintain a high-quality environment *through*  
25 *homeownership, employment, transportation, security, and*  
26 *educational opportunities* now and in the future, and take all action  
27 necessary to protect, rehabilitate, and enhance the environmental  
28 quality of the state.

29 (b) Take all action necessary to provide the people of this state  
30 with *decent housing, employment, transportation, security, and*  
31 *schools*, clean air and water, enjoyment of aesthetic, natural,  
32 scenic, and historic environmental qualities, and freedom from  
33 excessive noise.

34 (c) Prevent the elimination of fish or wildlife species due to  
35 ~~man's~~ *people's* activities, ~~insure~~ *ensure* that fish and wildlife  
36 populations do not drop below ~~self-perpetuating~~ *self-perpetuating*  
37 levels, and preserve for future generations representations of all  
38 plant and animal communities and examples of the major periods  
39 of California history.



(d) Ensure that the long-term protection of the environment *and people of the state*, consistent with the provision of a decent home, *job, transportation, security, and education*, and suitable living environment for every Californian, ~~shall be~~ *is* the guiding criterion in public decisions.

(e) Create and maintain conditions under which ~~man~~ *people* and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental, *homeownership, employment, transportation, security, and educational* quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs, and to consider *benefits and* alternatives to proposed actions affecting the environment.

(h) *Require governmental agencies to consider the rapidly increasing population of California, and consider benefits and alternatives to proposed actions affecting homeownership, employment, transportation, security, and educational opportunities for future generations.*

SEC. 3. Section 21002 of the Public Resources Code is amended to read:

21002. The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available ~~which~~ *that* would substantially lessen the significant environmental effects of ~~such~~ *the* projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures ~~which~~ *that* will avoid or substantially lessen ~~such~~ *the* significant effects. The Legislature ~~further~~ finds and declares that in the event specific economic, social, or other conditions make infeasible ~~such~~ *the* project alternatives or ~~such~~ *the* mitigation measures, individual projects may be approved in spite of one or more significant effects thereof. *The Legislature further finds and declares that it is the policy of the state that public agencies should consider the benefits to local communities in the*

1 *areas of housing, education, transportation, security, and*  
2 *employment before proposed projects are issued negative*  
3 *declarations.*

4 SEC. 4. Section 21002.1 of the Public Resources Code is  
5 amended to read:

6 21002.1. In order to achieve the objectives set forth in Section  
7 21002, the Legislature hereby finds and declares that the following  
8 policy ~~shall apply~~ *applies* to the use of environmental impact  
9 reports prepared pursuant to this division:

10 (a) The purpose of an environmental impact report is to identify  
11 the significant effects on the environment of a project, *including*  
12 *the significant effects on the homeownership, educational,*  
13 *transportation, security, and employment needs of the state,* to  
14 identify alternatives *and benefits* to the project, and to indicate the  
15 manner in which those significant effects can be mitigated or  
16 avoided.

17 (b) Each public agency shall mitigate or avoid the significant  
18 effects on the environment of projects that it carries out or  
19 approves whenever it is feasible to do so.

20 (c) If economic, social, or other conditions make it infeasible  
21 to mitigate one or more significant effects on the environment of  
22 a project, the project may nonetheless be carried out or approved  
23 at the discretion of a public agency if the project is otherwise  
24 permissible under applicable laws and regulations.

25 (d) In applying the policies of subdivisions (b) and (c) to  
26 individual projects, the responsibility of the lead agency ~~shall~~  
27 ~~differ~~ *differs* from that of a responsible agency. The lead agency  
28 ~~shall be~~ *is* responsible for considering the effects, both individual  
29 and collective, of all activities involved in a project. A responsible  
30 agency ~~shall be~~ *is* responsible for considering only the effects of  
31 those activities involved in a project ~~which~~ *that* it is required by  
32 law to carry out or approve. This subdivision applies only to  
33 decisions by a public agency to carry out or approve a project and  
34 does not otherwise affect the scope of the comments that the public  
35 agency may wish to make pursuant to Section 21104 or 21153.

36 (e) To provide more meaningful public disclosure, reduce the  
37 time and cost required to prepare an environmental impact report,  
38 and focus on potentially significant effects on the environment of  
39 a proposed project, lead agencies shall, in accordance with Section  
40 21100, focus the discussion in the environmental impact report on



1 those potential effects on the environment of a proposed project  
2 ~~which, including potential effects on homeownership,~~  
3 ~~employment, transportation, security, and education,~~ that the lead  
4 agency has determined are or may be significant. Lead agencies  
5 may limit discussion on other effects to a brief explanation as to  
6 why those effects are not potentially significant.

7 SEC. 5. Section 21003 of the Public Resources Code is  
8 amended to read:

9 21003. The Legislature further finds and declares that ~~it is the~~  
10 ~~policy~~ *all of the following are the policies* of the state ~~that~~:

11 (a) Local agencies integrate the requirements of this division  
12 with planning and environmental review procedures otherwise  
13 required by law or by local practice so that all those procedures,  
14 to the maximum feasible extent, run concurrently, rather than  
15 consecutively.

16 (b) Documents prepared pursuant to this division be organized  
17 and written in a manner that will be meaningful and useful to  
18 decisionmakers and to the public.

19 (c) Environmental impact reports omit unnecessary  
20 descriptions of projects and emphasize feasible mitigation  
21 measures and feasible alternatives to projects.

22 (d) Information developed in individual environmental impact  
23 reports be incorporated into a data base ~~which that~~ can be used to  
24 reduce delay and duplication in preparation of subsequent  
25 environmental impact reports.

26 (e) Information developed in environmental impact reports and  
27 negative declarations be incorporated into a data base ~~which that~~  
28 may be used to make subsequent or supplemental environmental  
29 determinations.

30 (f) All persons and public agencies involved in the  
31 environmental review process be responsible for carrying out the  
32 process in the most efficient; *and* expeditious manner in order to  
33 conserve the available financial, governmental, physical, and  
34 social resources with the objective that those resources may be  
35 better applied toward the mitigation of actual significant effects on  
36 the environment.

37 (g) *All persons and public agencies involved in the*  
38 *environmental review process seek input from local communities*  
39 *that may be affected by proposed projects.*



1 SEC. 6. Section 21003.5 is added to the Public Resources  
2 Code, to read:

3 21003.5. The Legislature finds and declares that all of the  
4 following are the policies of the state in regard to proposed projects  
5 for universities and other educational institutions:

6 (a) Public agencies shall give priority to these projects over  
7 other projects.

8 (b) Public agencies shall carry out their responsibilities for the  
9 preparation and review of environmental impact reports in an  
10 expeditious manner.

11 (c) The requirement of the preparation of an environmental  
12 impact report shall not cause undue delay in the processing of  
13 applications for permits or other entitlements to use.

14 SEC. 7. Section 21060.3 of the Public Resources Code is  
15 amended to read:

16 21060.3. “Emergency” means a sudden, unexpected  
17 occurrence, involving a clear and imminent danger, *and*  
18 demanding immediate action to prevent or mitigate loss of, or  
19 damage to, life, health, property, or essential public services.  
20 “Emergency” includes such occurrences as fire, flood,  
21 earthquake, or other soil or geologic movements, as well as such  
22 occurrences as riot, accident, or sabotage. *“Emergency” also*  
23 *means circumstances involving unusually high unemployment*  
24 *rates, unusually high drop-out rates at high schools in the relevant*  
25 *jurisdiction, or extreme poverty levels among residents in the*  
26 *relevant jurisdiction.*

27 SEC. 8. Section 21060.5 of the Public Resources Code is  
28 amended to read:

29 21060.5. “Environment” means the physical conditions  
30 ~~which~~ *that* exist within the area ~~which~~ *that* will be affected by a  
31 proposed project, including land, air, water, minerals, flora, fauna,  
32 noise, objects of historic or aesthetic significance, *indigenous*  
33 *populations, local communities, man-made construction, parks,*  
34 *schools, and homes.*

35 SEC. 9. Section 21100.5 is added to the Public Resources  
36 Code, to read:

37 21100.5. The environmental impact report shall contain a  
38 section entitled “human impact,” which shall include, as  
39 appropriate, the proposed number of housing units to be built, the  
40 proposed number of schools to be built, or the proposed number





1 of jobs to be created, pursuant to the proposed project. The human  
2 impact section shall also identify, as appropriate, the potential  
3 number of families that would become homeowners, the potential  
4 number of children who would attend a proposed school, and the  
5 potential number of people who would benefit from employment  
6 under the proposed project. The report shall include information  
7 that relates these figures to the needs of the state and the local  
8 community that would be affected by the proposed project.

9 SEC. 10. Notwithstanding Section 17610 of the Government  
10 Code, if the Commission on State Mandates determines that this  
11 act contains costs mandated by the state, reimbursement to local  
12 agencies and school districts for those costs shall be made pursuant  
13 to Part 7 (commencing with Section 17500) of Division 4 of Title  
14 2 of the Government Code. If the statewide cost of the claim for  
15 reimbursement does not exceed one million dollars (\$1,000,000),  
16 reimbursement shall be made from the State Mandates Claims  
17 Fund.

